

<b>STALLMAN &amp; POLLOCK LLP</b>  Intellectual Property Attorneys  353 Sacramento Street Suite 2200 San Francisco, CA 94111  Telephone: (415) 772-4900 Facsimile: (415) 398-2890	<b>TO:</b> Examiner Andrew T. Sever Group Art Unit 2751 Commissioner for Patents Washington, D.C. 20231  <b>FAX:</b> 703-872-9306  <b>PHONE:</b> 571-272-2128  <b>FROM:</b> MICHAEL A. STALLMAN  Telephone: (415) 772-4900 Ext. 101 Facsimile: (415) 398-2890  Email: <a href="mailto:mstallman@stallmanpollock.com">mstallman@stallmanpollock.com</a>  <b>DATE:</b> May 20, 2004  <b>TIME:</b>  <b>PAGES:</b> 17 (including cover)  <b>If you did not receive all of the pages in this fax, please contact Georgia K. Stith at (415) 772-4900 Ext. 106.</b>
	<b>OUR FILE NUMBER:</b> TWI-31500  <b>RETURN TO:</b> G. Stith

**Regarding U.S. Appln. No. 09/938,415, filed August 23, 2001**

Pursuant to our telephone conversation today, attached is a copy of the Response to Office Action Mailed September 23, 2003, which was filed in the PTO Nov. 24, 2003 (copy of return receipt postcard also attached). Also, please note that I am attaching a copy of a Change of Attorney or Agent's Address (37 CFR 1.8(a)) that we mailed to the PTO on May 13, 2004..

If you have any questions relative to the above, please give me a call. Thank you.  
 Michael A. Stallman (Reg. No. 29,444)

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MAY 20 2004

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PATENT

-1-

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Inventors: Kenneth C. Johnson, et al.

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR  
OPTICAL CD/PROFILE METROLOGY

Confirmation No.: 9943

Group Art Unit: 2851

Examiner: Andrew T. Sever

CHANGE OF ATTORNEY OR AGENT'S  
ADDRESS IN APPLICATION  
(37 CFR 1.8(a))353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on May 21, 2004.

STALLMAN &amp; POLLOCK LLP

Dated: 05/21/04 By: 

Tanisha Lawrence-Caceres

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please send all correspondence for this application to:

STALLMAN & POLLOCK LLP  
Attn: Michael A. Stallman  
353 Sacramento Street, Suite 2200  
San Francisco, CA 94111

Please direct all telephone calls to:

Michael A. Stallman  
Telephone: (415) 772-4900  
Facsimile: (415) 398-2890

Respectfully submitted,

STALLMAN &amp; POLLOCK LLP

By: Michael A. Stallman  
Reg. No. 29,444

Attorneys for Applicant(s)

Atty Docket No.: TWI-31500

05/20/2004

11:51

STALLMAN POLLOCK LLP415 512 1362 → 17038729306

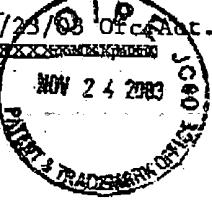
NO. 725 D003

TWI-31500

Serial/Patent/Reg. No. 09/938,415 S&P File No. TWI-31500 By: JDL:gks  
 In the Matter of the Application of: Kenneth C. Johnson et al.  
 Title/Mark: OPTIMIZED APERTURE SHAPE FOR OPTICAL CD/PROFILE METROLOGY  
 Date Mailed: 11/21/2003 Due Date: 12/23/2003

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Transmittal Letter   
 Patent Application \_\_\_\_\_  
 \_\_\_\_\_ pgs. specification including \_\_\_\_\_ pgs. claims  
 Drawings \_\_\_\_\_ sheets \_\_\_\_\_ formal \_\_\_\_\_ informal  
 Oath/Declaration  
 Assignment w/ Form PTO-1595  
 Power of Attorney  
 Small Entity Declaration  
 Deposit Account Authorization (in duplicate)  
 Information Disclosure Statement, PTO-1449 w/ \_\_\_\_\_ references  
 Check \$ 43.00  
 Response to 9/23/03 Ofc Act.  
 Request for Extension of Time   
 Terminal Disclaimer  
 Notice of Appeal  
 Appeal Brief (in triplicate)  
 Letter to Official Drafter  
 Issue Fee Transmittal  
 Maintenance Fee Transmittal  
 Request for \_\_\_\_\_
- \_\_\_\_\_ Trademark (Use) Appl., Drawing and \_\_\_\_\_ Specimens  
 \_\_\_\_\_ ITU Trademark Application and Drawing  
 \_\_\_\_\_ Request for Extension to Time (Trademark)  
 \_\_\_\_\_ Notice of Allowance: \_\_\_\_\_  
 \_\_\_\_\_ Statement of Use/Amendment to Allege Use  
 \_\_\_\_\_ Section 8 & 15 Declaration  
 \_\_\_\_\_ Trademark Renewal Application and \_\_\_\_\_ Specimen  
 \_\_\_\_\_ Opposition to \_\_\_\_\_  
 \_\_\_\_\_ Petition for Cancellation  
 Certificate of Mailing  
 Express Mail Certificate No. \_\_\_\_\_  
 Certificate under §3.73(b)  
 Certificate of Correction (PTO Form 1050)  
 Replacement Figs. 1, 2A,  
 2B and 5 (two shs. informal)  
 other: postcard



**STALLMAN & POLLOCK LLP**  
 121 Spear Street, Suite 290  
 San Francisco, CA 94105  
 (415) 512-1312

In re Patent Application of: Kenneth C. Johnson et al.

Atty Docket No. TWI-31500

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR OPTICAL CD/PROFILE METROLOGY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmittal herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	16	MINUS	20	0	x \$18 =	\$0
INDEP.	4	MINUS	3	1	x \$86 =	\$86
<b>FIRST PRESENTATION OF MULTIPLE DEP CLAIMS</b>						+ \$290
						<b>TOTAL</b> \$86

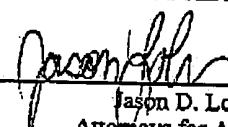
Small Entity 50% Filing Fee Reduction (if applicable) \$43

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

1.  No additional fee is required.
2.  A check in the amount of \$43.00 is attached.
3.  Please charge any additional fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 50-1703, under Order No. TWI-31500.  
A duplicate copy of this sheet is enclosed.
4.  Petition for extension of time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 C.F.R. § 1.136(a), as may be required, to file this response.

STALLMAN &amp; POLLOCK LLP

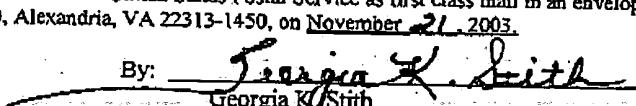
Dated: November 20, 2003

By:   
Jason D. Lohr (Reg. No. 48,169)  
Attorneys for Applicant(s)

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 21, 2003.

Dated: November 21, 2003

By:   
Georgia K. Stith

09/938,415

PATENT

-1-

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE CENTRAL FAX CENTER

In re Patent Application of

Kenneth C. Johnson, et al.

Application No.: 09/938,415

Filed: August 23, 2001

For: OPTIMIZED APERTURE SHAPE FOR  
OPTICAL CD/PROFILE METROLOGY

Group Art Unit: 2851

MAY 20 2004

Examiner: Andrew T. Sever

RESPONSE TO OFFICE ACTION  
MAILED SEPTEMBER 23, 2003**OFFICIAL**121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312CERTIFICATE OF MAILING

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STALLMAN &amp; POLLOCK LLP

Dated: 11/21/2003 By:

Georgia K. Stith

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 23, 2003, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Amendments to the Drawings** begin on page 7 of this paper and include an attached replace sheet.

**Remarks/Arguments** begin on page 8 of this paper.

Atty Docket No.: TWI-31500

PAGE 5/17 \* RCV'D AT 5/20/2004 3:43:34 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):04:24